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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/581,924	06/19/2000	JOHN LESLIE ATWELL	674537-2001	6289

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EXAMINER

CANELLA, KAREN A

ART UNIT	PAPER NUMBER
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1642

DATE MAILED: 12/19/2001

11.

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/581,924

Applicant(s)
Atwell et al

Examiner
Karen Canella

Art Unit
1642



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 months MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-89 is/are pending in the application.
- 4a) Of the above, claim(s) 1-64 and 84-89 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 66, 67, 69-80, and 83 is/are allowed.
- 6) ☒ Claim(s) 65, 68, 81, and 82 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other: _____

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Response to Amendment

1. Claim 65 has been amended. Claims 1-64 and 84-89 remain withdrawn from consideration. Claims 65-83 are under consideration.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office Action.
3. Applicant has requested a withdrawal of the restriction requirement. Applicant argues that the Better et al disclosure does not teach claim 1 of the instant invention as the 9 amino acid fragment of the CH2 domain present on the chimeric antibody is not an epitope. This has been considered but not found persuasive as a 9 amino acid peptide can be used to raise an antibody in a experimental animal, and thus constitutes an epitope. Further, examples of chimeric antibody conjugates comprising non-naturally occurring Fc regions are well known in the art. For example, Gillies et al (Human antibodies and Hybridomas, 1990, Vol. 1, pp. 47-54 and WO 91/13166), Mueller et al (PNAS, 1990, vol. 87, pp. 5702-5705), and Artandi et al (Journal of Immunology, 1991, Vol. 146, pp. 603-610) all teach chimeric antibodies which are domain deleted, thus fulfilling the definition of "non-naturally occurring Fc region" as defined by the instant specification.

Claim Rejections Maintained

4. The rejection of claims 65, 68, 81 and 82 under 35 U.S.C. 102(b) as being anticipated by Zanetti (USP 5,583,202) is maintained for reasons of record. Applicant has amended claim 65 to read on binding regions of non-antibody origin in order to obviate the art rejections. This was persuasive for art disclosing anti-idiotypic antibodies, but not for the disclosure of Zanetti which teaches a binding region comprising an antigen of P- falciparum.
5. All other rejections and objections as stated in Paper no. 8 are withdrawn.

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Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen Canella whose telephone number is (703) 308-8362. The examiner can normally be reached on Monday through Friday from 8:30 am to 6:00 pm. A message may be left on the examiner's voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Caputa, can be reached on (703) 308-3995. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Karen A. Canella, Ph.D.

Patent Examiner, Group 1642

December 17, 2001


